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August 2, 2018

Honorable Pamela K. Chen
District Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Abreu v. Receivable Collection Services, LLC
18-cv-04103 (PKC)(LB)

Dear District Judge Chen:

I am counsel for Receivable Collection Services, LLC, the Defendant named in the above-entitled lawsuit. I write in conjunction with the letter (Dkt. No. 5) filed today by attorney Edward Geller, Of Counsel to the law office of M. Harvey Rephen & Associates, P.C. , attorneys of record for the Plaintiff. In his letter, Mr. Geller advises that the Plaintiff has decided to”discontinue this matter....” based upon a review of the my letter dated July 22, 2018. Therein, I requested a pre-motion conference for the purpose of filing a motion to dismiss the Complaint pursuant to Fed. R. Civ. P. 12(b)(6). For the reasons set forth below, my client requests that Your Honor retain jurisdiction over the above-entitled lawsuit so that it may obtain an order directing Mr. Geller and Mr. Rephen to pay the legal fees and costs associated with removing the above-entitled lawsuit to this federal court and the subsequent defense thereof.

As my pre-motion letter to Your Honor clearly establishes, Mr. Geller and Mr. Rephen were well aware that they had no basis to allege violations of the FDCPA against my client. As further described in my pre-motion letter, Mr. Geller was personally involved in 3 FDCPA decisions which establish that calls initiated by a credit counselor are not actionable under the FDCPA. I again refer Your Honor to *Timoshenko v. Mullooly, Jeffrey, Rooney & Flynn, LLP*, 2018 U.S. Dist. LEXIS 54919 (E.D.N.Y.) wherein Senior District Judge I. Leo Glasser recently directed a consumer attorney to appear and show cause why he should not be sanctioned for filing a lawsuit alleging FDCPA claims that the attorney knew were patently baseless. Independent of Your Honor’s powers under Fed. R. Civ. P. 11, the Defendant asks Your Honor to retain jurisdiction over the above-entitled lawsuit so that it may file a motion for fees and costs pursuant to 28 U.S.C. § 1927 and pursuant to the “inherent power” of the Court.

Respectfully submitted,

/ s / *Robert L. Arleo*

Robert L. Arleo

RLA:gra cc: All attorneys of records via ECF

